IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Crl.Rev.Pet.No. 1115 of 2007(E)

CRA.232/2002 of ADDL. SESSIONS COURT-II, MAVELIKKARA
CC.197/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

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REVN. PETITIONER: APPELLANT/ACCUSED

A.R.SURESH KUMAR,
KAVITHA BHAVAN,(S.R.SADANAM),
CHIRAVOOR MURI, CHITHARA VILLAGE,
KOTTARAKKARA TALUK.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT & STATE

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1. THE STATE OF KERALA REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. P.N.OMANA, THOTTAKAYIL VEEDU,
CHERIANADU EAST MURI, CHERIANADU VILLAGE,
CHENGANOOR TALUK.

BY PUBLIC PROSECUTOR SRI.BREEZE M.S.
SRI.N.ASHOK KUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1115 of 2007

Dated this the 14th day of March, 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for one month.

2. The evidence adduced in the matter consisted the testimony of PW1 and Exts. P1 to P9. The defence witnesses examined were DW's 1 to 3 of whom DW1 is the accused. It is the case of the revision petitioner/accused is that only a sum of Rs.10,000/- was received for arranging visa and at the instance of the complainant, the blank cheque was issued. The evidence adduced on behalf of the revision petitioner consisted of oral evidence of the accused himself and that of DW1 which were found not trustworthy. Further, the accused had not sent any reply to the lawyer notice received on demanding payment.

3. In the circumstances and in view of the evidence

adduced in the matter as discussed in the judgments of the court below, I find no scope for interference in exercise of revisional jurisdiction of this court. The revision petition is liable to be dismissed in limine. All the same, considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.50,000/- vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for three months. The revision petitioner is granted four months' time to pay the amount of compensation. Revision petitioner shall appear before the Court of Judicial First Class Magistrate-I, Chengannur on 16.7.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl